

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 21-cr-00214-CVE

JEFFREY BRENT THOMAS,

Defendant.

UNOPPOSED MOTION TO CONTINUE MARCH 2022 TRIAL

Defendant Jeffrey Brent Thomas moves this Court to vacate and continue the trial of this matter now set on the March 21, 2022 trailing docket for at least sixty (60) days. As grounds for this motion, the Defendant states as follows:

1. On May 4, 2021, Defendant Jeffrey Brent Thomas was indicted and charged with two counts of Assaulting, Resisting, or Impeding a law enforcement officer, in violation of 18 U.S.C. §§ 111(a)(1) and 111(b), and one count of eluding/evading a law enforcement officer, in violation of Oklahoma Statutes § 540A(B) [Doc. 15], after originally having been charged by Criminal Complaint on April 6, 2021. [Doc. 1]

2. Undersigned counsel was appointed to represent Mr. Thomas on April 13, 2021. [Doc. 13]

3. This matter is currently scheduled for Jury Selection and Trial on the Court's March 21, 2022 trailing docket, and the pretrial conference is scheduled on March 11, 2022. [Doc. 36]

4. Counsel requires additional time to review and analyze the discovery provided by the Government, to investigate, research and develop potential defenses, and to potentially hire and prepare expert witnesses.

5. Additionally, defense counsel requests additional time to meet with Mr. Thomas to review and discuss the government's discovery and to discuss the issues relevant to any defenses, a possible pretrial resolution, and sentencing considerations. This process is expected to take at least sixty (60) days.

6. Most importantly, Mr. Thomas is currently facing significantly more complex and serious charges in the United States District Court for the Eastern District. Undersigned was appointed to represent Mr. Thomas in that matter on November 12, 2021.

7. Discovery materials for the Eastern District case, which consist of numerous police reports and multiple video/audio files, were received on February 17, 2022, and the initial review of this material remains in progress. Counsel has requested and, on March 1, 2022, received authorization from the Eastern District to travel from New Mexico to Oklahoma to meet with Mr. Thomas. This meeting is being scheduled, but it is hoped to occur during the week of March 14, 2022.

8. While the alleged conduct leading to the charges filed in the Eastern District is unrelated to the charges in this Court, the resolution of the charges here could affect what occurs there, and vice-versa. Accordingly, to provide effective assistance to Mr. Thomas, defense counsel requires additional time to evaluate the merits of that case, including being afforded needed time to receive and analyze discovery materials, investigate the charges, and potentially discuss with the United States the possibility of a global resolution, ultimately conserving significant judicial resources, as well as providing a benefit to Mr. Thomas.

9. Under the current circumstances, the requested continuance is the absolute minimum time necessary for the Defendant's counsel to provide effective assistance of counsel in this case.

10. The continuance of this matter will serve the ends of justice and outweigh the best interest of the public and the defendant in a speedy trial by affording the Defendant a reasonable opportunity review and consider the Government's evidence in both cases against him, and investigate those charges, as well as to negotiate and possibly enter into a plea agreement whereby his exposure may be limited, and judicial economy advanced. Accordingly, the continuance sought by the Defendant is appropriate under 18 U.S.C. §3161(h)(7)(A), (B)(iv). *See United States v. Toombs*, 574 F.3d 1262, 1268-69, 71-73 (10th Cir. 2009); *United States v. Hernandez-Mejia*, 406 Fed. Appx. 330 (10th Cir. 2011) (unpublished).

11. The Defendant agrees that the time between this motion and the date of jury selection should be excluded for speedy trial purposes under 18 U.S.C. §3161(h)(7)(A), (B)(iv), and separate Waiver of Speedy Trial will be filed.

12. AUSA Steven Briden does not oppose this motion.

WHEREFORE, Defendant moves that the Court vacate and continue the trial of this matter currently set on the March 2022 trailing docket for at least sixty (60) days and continue all pretrial deadlines until further order of this Court.

Respectfully submitted,

/s/Donald F. Kochersberger III

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Attorney for Defendant Jeffrey Brent Thomas

I HEREBY CERTIFY that on this the 3rd day of March, 2022, I filed the foregoing electronically through the CM/ECF system, which caused all counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Electronically Filed

Donald F. Kochersberger III

Attorney for Defendant